



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,943	02/04/2002	Ralf Wiedemann	10660-62US (10936P6 US)	4310

570 7590 02/21/2003

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103-7013

EXAMINER

FONTAINE, MONICA A

ART UNIT	PAPER NUMBER
----------	--------------

1732

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,943

Applicant(s)

WIEDEMANN ET AL.

Examiner

Monica A Fontaine

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1732

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Applicant's claim for domestic priority under 35 U.S.C. 120 is acknowledged.

Specification

The abstract of the disclosure is objected to because it is directed to a mold, not a method as is claimed. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method for producing moldings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al. (U.S. Patent 4,946,633), in view of the instant specification.

Art Unit: 1732

Regarding Claim 1, Saeki et al., hereafter "Saeki," show that it is known to carry out a method of producing a plurality of moldings in one mold (Column 1, lines 7-11), comprising providing a mold which has a plurality of cavities having a shape corresponding to the moldings (Figure 1A, elements 5, 7, 9), the cavities being arranged in the mold in such a way that, except for cavities in an end or peripheral position of the mold, each of the cavities is linked to at least two closely adjacent cavities (Figure 1A; Column 4, lines 12-22), providing a fluid casting compound (Column 4, lines 34-35), introducing the fluid casting compound into the mold at at least one point such that all of the cavities become essentially completely filled with the casting compound (Column 4, lines 34-41), solidifying the casting compound to produce moldings (Column 4, lines 52-54), and removing the moldings from the mold (Column 4, lines 54-56). Saeki does not show physical properties of materials applicable to this process. The instant specification shows that it is known to mold materials such as polystyrenes, polyamides, polyurethanes, cellulose ether or ester, polyethylene, or polymethacrylic acid esters (for full list, see specification, page 1, lines 15-20). Although the specification does not show the hardness of these materials, as is claimed, it is inherent that the said materials possess a degree of hardness. The examiner notes that the hardness property in the instant application is found according to an "Erichsen 486" method (Specification, page 6, line 2). The examiner has not found any indication of hardness testing by this method in prior art, nor has she found any correlation between values of the "Erichsen 486" method and other hardness standards. Therefore, it is the burden of the applicant to prove that the prior art products do not necessarily or inherently possess the hardness of the claimed resin (See MPEP 2112). The instant specification and Saeki are combinable because they are concerned with a similar technical field, namely, that of molding

Art Unit: 1732

plural articles. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the instant specification's resin in Saeki's molding process in order to obtain a product having characteristics of the resin.

Regarding Claim 2, Saeki and the instant specification show the basic process as claimed above, but Saeki does not show physical properties of materials applicable to this process. The instant specification shows that it is known to mold materials such as polystyrenes, polyamides, polyurethanes, cellulose ether or ester, polyethylene, or polymethacrylic acid esters (for full list, see specification, page 1, lines 15-20). Although the specification does not show the hardness of these materials, as is claimed, it is inherent that the said materials possess a degree of hardness. The examiner notes that the hardness property in the instant application is found according to an "Erichsen 486" method (Specification, page 6, line 2). The examiner has not found any indication of hardness testing by this method in prior art, nor has she found any correlation between values of the "Erichsen 486" method and other hardness standards. Therefore, it is the burden of the applicant to prove that the prior art products do not necessarily or inherently possess the hardness of the claimed resin (See MPEP 2112). The instant specification and Saeki are combinable because they are concerned with a similar technical field, namely, that of molding plural articles. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the instant specification's resin in Saeki's molding process in order to obtain a product having characteristics of the resin.

Regarding Claim 4, Saeki and the instant specification show the basic process as claimed as discussed above, including Saeki's molding process wherein each of the cavities, except for

Art Unit: 1732

cavities in a peripheral position of the mold, is arranged closely adjacent to four to six other of the cavities (Figure 1A, elements 5, 7, 9), meeting applicant's claim.

Regarding Claim 5, Saeki and the instant specification show the basic process as claimed as discussed above, including Saeki's molding process wherein the casting compound is introduced at a single point, which is located centrally in the mold (Column 4, lines 34-41), meeting applicant's claim.

Regarding Claim 6, Saeki and the instant specification show the basic process as claimed as discussed above, including Saeki's molding process which is an injection molding method (Column 2, lines 5-8), meeting applicant's claim.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki, in view of the instant specification, in further view of Okumoto et al. (U.S. Patent 5,009,425). Saeki and the instant specification show the basic process as claimed as discussed above, but they do not show a surfactant's presence in the molding material. Okumoto et al., hereafter "Okumoto," show that it is known to add a surfactant to a material that is being injection molded (Column 4, lines 9-12, 21-23, 28-30). Okumoto and Saeki are combinable because they are concerned with a similar technical field, namely, that of injection molding a resin to form a desired article. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a surfactant, as in Okumoto, during Saeki's molding process in order to produce an article having characteristics of a resin containing a surfactant.

Art Unit: 1732

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with regard to molding plural articles in general:

U.S. Patent 5,792,406 to Wada et al.

U.S. Patent 6,056,842 to Dalton et al.

U.S. Patent 6,303,065 to Reid et al.

U.S. Patent 6,468,381 to Morgan

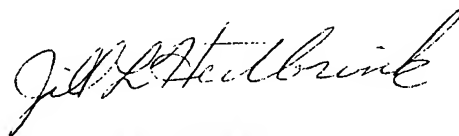
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 703-305-7239.

The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

maf
February 12, 2003



JILL L. HEITBRINK
PRIMARY EXAMINER

1732

2/13/03